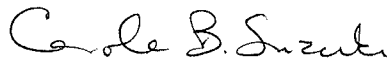


ANALYSIS

This Ordinance amends Title 16 – Highways, of the Los Angeles County Code, by:

- Amending Section 16.08.110 to further define when highway permits expire and to authorize the road commissioner to grant permit extensions under certain circumstances;
- Amending Sections 16.10.020, 16.10.090, 16.19.050, 16.24.020, 16.24.040, and 16.27.050 to increase existing fees to recover costs incurred by the road commissioner in performing highway inspections;
- Deleting Section 16.10.150 pertaining to highway surface repairs. This section is obsolete and no longer used by the Department of Public Works;
- Adding Section 16.10.155 to authorize the road commissioner to impose a fee for processing highway permit applications;
- Adding Section 16.10.170 to authorize the road commissioner to suspend or revoke a highway permit when the permit has been issued in error, on the basis of incorrect information, or in violation of the County Code;
- Adding Section 16.10.180 to authorize the collection of a fee to achieve recovery of all costs incurred by the road commissioner to investigate work performed without a required highway permit;
- Adding Section 16.10.190 to provide a temporary reduction of twenty percent (20%) on the new and increased fees if charged in connection with a project involving one single family residence or one structure with a building footprint of 10,000 square feet or less, for a period of three years after the adoption date of the ordinance;
- Adding Section 16.22.035 to define single trip and annual transportation permits for oversized loads; and
- Adding Section 16.22.090 to authorize the road commissioner to collect issuance fees for single trip and annual transportation permits.

ANDREA SHERIDAN ORDIN
County Counsel

By 
CAROLE B. SUZUKI
Deputy County Counsel
Public Works Division

CBS:gjv

Requested: 04/30/09

Revised: 4/13/11

ORDINANCE NO. _____

An ordinance amending Title 16 – Highways of the Los Angeles County Code, relating to highway permits.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 16.08.110 is hereby amended to read as follows:

16.08.110 Permits — ~~Period of validity to be specified~~Expiration
and extension.

Each permit shall specify the ~~time the permit shall become null and void and the permit shall become null and void on the date so specified unless the commissioner extends the time~~date when the permit expires. Each permit shall expire if the work authorized by such permit is not commenced within sixty (60) days from the date of issuance or said work is not diligently prosecuted to completion, as determined by the commissioner.

The commissioner ~~may~~shall have the discretion to extend the ~~time if in his opinion~~expiration date up to two (2) times, upon written request by the permittee, submitted to the commissioner prior to the date of expiration of the permit, demonstrating that the work for which the permit was issued was delayed ~~in completion~~ because of inclement weather, strikes, ~~an~~ acts of God, or other causes not within the control of the permittee. Each extension period shall be limited to a period of sixty (60) days from the date the permit is set to expire. The permittee shall pay a non-refundable permit extension fee equivalent to the issuance fee prescribed in Section 16.10.020

of this code, provided no changes have been made to the original application and plans for such work. The permit application and plans shall be kept on file with the commissioner for thirty (30) days after expiration of the permit.

SECTION 2. Section 16.10.020 is hereby amended to read as follows:

16.10.020 Issuance fee.

Unless otherwise specified in this title, the issuance fee for ~~all~~the reproduction and distribution of each highway permits shall be \$~~52~~141.00. On July 1st of each year, the fee imposed by this section shall be reviewed by the ~~director of public works~~commissioner and the amount of the fee shall be adjusted as follows: Calculate the percentage movement between ~~April~~March of the previous year and ~~April~~March of the current year in the Consumer Price Index ("CPI") for all urban consumers in the Los Angeles, ~~Anaheim and~~ – Riverside – Orange County areas, as published by the United States Government Bureau of Labor Statistics, adjust the fee by said percentage amount, and round up to the nearest dollar. No adjustment shall ~~decrease~~increase ~~the any fee and no fee shall exceed~~to an amount more than the amount necessary to recover the reasonable cost of providing the services for which the fee is imposed. ~~If it is determined that the reasonable amount necessary to recover the cost of providing the services exceeds this adjustment, the director of public works may present fee proposals to the board of supervisors for approval.~~

SECTION 3. Section 16.10.090 is hereby amended to read as follows:

16.10.090 Unit Fees for inspection and other costs.

~~The board of supervisors may establish unit fees for inspection costs incurred by the director of public works due to the permittee's activity.~~

A. ~~The unit fees for highway permit inspections shall be~~Subject to Section 16 16.10.070, each applicant for a highway permit shall pay applicable inspection fees to the commissioner, according to the following schedule:

1. General

<u>Pre-inspection site visit</u>	<u>\$111 each site visit</u>
<u>Inspections during non-business hours (up to 4 hours)</u>	<u>\$443 each inspection</u>
<u>Additional inspections during non-business hours (over 4 hours)</u>	<u>\$106 each hour</u>

2. Construction Inspection

Curb drain	\$128 <u>147</u> each <u>drain</u>
Parkway drain	<u>\$619</u> each <u>drain</u>
Residential driveway	496 <u>\$517</u> each <u>driveway</u>
Commercial driveway	259 <u>\$631</u> each <u>driveway</u>
Paving 500 square feet or less	<u>\$720</u> -each
<u>Paving greater than 500 square feet</u>	<u>Actual cost</u>
Sidewalk 100 linear feet or less	<u>174</u> each

Sidewalk and Curb and Gutter

50 linear feet or less

\$394

Greater than 50 linear feet to 250 linear feet

\$394 plus \$1.97 per linear foot in excess of 50 linear feet

Greater than 250 linear feet to 500 linear feet

\$788 plus \$1.33 per linear foot in excess of 250 linear feet

Greater than 500 linear feet

Actual cost

New Well Construction

Diameter 8" or less, and depth 50 feet or less

\$332 each well

Diameter greater than 8", or depth greater than 50 feet

Actual cost

Well Destruction

Diameter 6" or less and depth 50 feet or less

\$759 each well

Diameter greater than 6" but not exceeding 18", and depth 25 feet or less

\$869 each well

Diameter greater than 6" but not exceeding 18", and depth greater than 25 feet but not exceeding 50 feet

\$980 each well

Diameter greater than 18", or depth greater than 50 feet

Actual cost

Pole Removal/Replacement

\$427 each pole

3. Encroachment Inspection

Lane closure/detour (per day)

\$235 each day

<u>Awning (per address)</u>	<u>\$284 each address</u>
<u>Monitoring of existing wells (allows monitoring for one year)</u>	380 <u>\$493 each year</u>
<u>Barrier fence</u>	196 each
<u>Crane operations (per day)</u>	<u>\$370 each day</u>
<u>Temporary storage of construction materials (per day)</u>	97 <u>\$234 each day</u>
<u>Filming in road right-of-way</u>	<u>\$305 each day</u>
<u>4. Excavation Inspection</u>	
<u>Utility service cut (1-3 within one block)</u>	128 <u>\$467 each</u>
<u>Potholing (including roadway restoration; 1-3 potholes within one traffic control setup not to exceed one block per day)</u>	
<u>Depth 10 feet or less</u>	<u>\$316 each day</u>
<u>Depth exceeding 10 feet</u>	<u>Actual cost</u>
<u>Soil borings (including roadway restoration; 1-3 borings within one traffic control setup not to exceed one block per day)</u>	
<u>Diameter 6" or less, and depth not exceeding 50 feet</u>	<u>\$427 each day</u>
<u>Diameter greater than 6" but not exceeding 18", and depth not exceeding 25 feet</u>	<u>\$538 each day</u>

Diameter greater than 6" but not exceeding 18", and depth greater than 25 feet but not exceeding 50 feet

\$648 each day

Diameter greater than 18", or depth greater than 50 feet

Actual cost

5. Transportation Inspection

Escorted move Oversize Extralegal Load inspections (up to 4 hours)

390\$905 each

Oversize Extralegal Load inspection (greater than 4 hours)

Actual cost

~~All other fees for transportation permit shall be in accordance with the latest fee schedule published by the state of California Department of Transportation.~~

An Oversize Extralegal Load is defined as a load with the following dimensions:

A height between 18 feet and 20 feet, a width between 16 feet and 22 feet, or a length between 125 feet and 145 feet.

~~The unit fees for highway permit inspections not described above or elsewhere in the county code shall be based on the actual cost incurred by the director of public works commissioner.~~

B. ~~The unit fees for m~~Mainline plan review fees shall be based on the total linear footage as shown on the plans and shall be charged according to the following schedule:

~~Main Line Plan Review~~

~~0 — 15,000 linear feet~~

~~\$179,280 plus \$0.2234/linear foot~~

Greater than 15,000 linear feet

Actual cost

~~Mainline plan reviews greater than 15,000 linear feet shall be charged based on the actual costs incurred by the director of public works.~~

C. On July 1st of each year, ~~the~~each fee imposed by this section, ~~except~~ transportation permit fees that are based on the latest fee schedule published by the state of California Department of Transportation, shall be reviewed by the director of public works~~commissioner~~ and the amount of each fee shall be adjusted as follows: Calculate the percentage movement between ~~April~~March of the previous year and ~~April~~March of the current year in the CPI for all urban consumers in the Los Angeles, Anaheim, and ~~—~~ Riverside ~~—~~ Orange County areas, as published by the United States Government Bureau of Labor Statistics, ~~and~~ adjust each fee by said percentage amount, ~~however, the fees described in subsection A of this section shall be~~ and rounded up to the nearest dollar. No adjustment shall ~~decrease~~increase any fee and ~~no fee shall exceed to an amount more than the amount necessary to recover the~~ reasonable cost of providing the services for which the fee is imposed. If it is determined that the reasonable amount necessary to recover the costs of providing the services in excess of this adjustment, the director of public works may present fee proposals to the board of supervisors for approval.

SECTION 4. Section 16.10.150 is hereby deleted:

16.10.150 Highway surface repairs — ~~Computation of costs.~~

~~The director of public works' costs of repairing and restoring the highway surface shall be calculated as follows:~~

~~Excavation Repairs~~

0—100 square feet	\$ 4.68/square foot
101—1,000 square feet	1.89/square foot
1,001—10,000 square feet	1.42/square foot
More than 10,001 square feet	0.94/square feet

~~On July 1st of each year the fees imposed by this section shall be reviewed by the director of public works and the amount of each fee shall be adjusted as follows: Calculate the percentage movement between April of the previous year and April of the current year in the Consumer Price Index (CPI) for all urban consumers in the Los Angeles, Anaheim, and Riverside areas, as published by the United States Government Bureau of Labor Statistics and adjust each fee by said percentage amount. No adjustment shall decrease any fee and no fee shall exceed the reasonable cost of providing the services. If it is determined that the reasonable amount necessary to recover the costs of providing the services exceeds this adjustment, the director of public works may present fee proposals to the board of supervisors for approval.~~

SECTION 5. Section 16.10.155 is hereby added to read as follows:

16.10.155 **Fees for permit processing.**

A. Permit processing includes, but is not limited to, providing customer service and information, reviewing permit application packages for completeness, permit tracking and retrieval, cashiering, and cost accounting. Each applicant for a highway permit shall pay permit processing fees to the commissioner, according to the following schedule:

Excavation, construction and encroachment permits	\$258 each permit
Joint trench excavation permit for each dry utility	\$515 each permit
Road closure (construction or excavation work)	\$366 each permit
Banners and pennants	\$440 each permit
Traffic control plan review	Actual cost (\$350.00 minimum)

Highway permit processing fees not set forth above or elsewhere in the county code shall be based on the actual cost incurred by the commissioner.

B. Beginning on July 1, 2011, and thereafter on each succeeding July 1st, each fee imposed by this section shall be reviewed by the commissioner and the amount of each fee shall be adjusted as follows: Calculate the percentage movement between March of the previous year and March of the current year in the CPI for all urban consumers in the Los Angeles – Riverside – Orange County area, as published

by the United States Government Bureau of Labor Statistics, adjust each fee by said percentage amount, and round up to the nearest dollar. No adjustment shall increase any fee to an amount more than the amount necessary to recover the reasonable cost of providing the services for which the fee is imposed.

SECTION 6. Section 16.10.170 is hereby added to read as follows:

16.10.170 **Suspension or revocation.**

The commissioner may, in writing, suspend or revoke a highway permit whenever the commissioner determines that the permit was issued in error, or on the basis of incorrect information, or that the permit is in violation of any provision of this code.

SECTION 7. Section 16.10.180 is hereby added to read as follows:

16.10.180 **Investigation fee for work without permit.**

In addition to being subject to any and all penalties prescribed by law, including under this code, any person failing to obtain a highway permit as required by Section 16.06.010 of this code shall pay the commissioner an investigation fee in the amount determined by the commissioner to be necessary to recover all costs incurred in investigating the failure to obtain a highway permit. The commissioner shall have the discretion to waive the investigation fee in instances when the commissioner determines that the work performed without a permit was performed as a result of an emergency or urgent circumstances which precluded timely application for a highway permit, provided that an application for a highway permit is filed as soon as possible following the

commencement of the unpermitted work and all of the requirements for a highway permit are met. This section shall not be construed to authorize any work that requires a highway permit to be performed without a highway permit.

SECTION 8. Section 16.10.190 is hereby added to read as follows:

16.10.190 **Temporary Fee Reduction.**

The fees set forth in sections 16.10.020, 16.10.090, 16.10.155, and 16.27.050 shall be subject to a twenty percent (20%) reduction as applicable for projects involving one single family residence or one structure with a building footprint of ten thousand (10,000) square feet or less. This reduction shall be applied to eligible fees charged within three (3) years of the adoption date of the ordinance implementing this section, after which time the reduction shall cease and no further reduction shall be applied.

SECTION 9. Section 16.19.050 is hereby amended to read as follows:

16.19.050 **Permit — Fee.**

Upon proper application on forms provided by the commissioner, containing all the information that is required by Sections 16.08.010 and 16.08.020, and following payment of all applicable fees required by this Division 1, the commissioner shall issue the applicant an annual drop box debris container permit. An issuance non-refundable annual drop box debris container permit fee of \$3081,705 shall be charged for an annual drop box debris container permit which will allow the permittee to place an unlimited number of drop box debris containers on highways if all requirements of this

chapter and all other applicable laws are met. Notwithstanding the issuance of an annual drop box debris container permit to the owner of the drop box debris container, no drop box debris container shall be placed on a highway without a permit issued pursuant to Section 16.06.010 of this code to the person requesting the drop box debris container from such owner. On July 1st of each year, the fee imposed by this ~~chapter~~section shall be reviewed by the ~~director~~commissioner, and the amount of the fee shall be adjusted as follows: Calculate the percentage movement between ~~April~~March of the previous year and ~~April~~March of the current year in the CPI for all urban consumers in the Los Angeles, ~~Anaheim~~, and – Riverside – Orange County areas, as published by the United States Government Bureau of Labor Statistics; adjust the fee by said percentage amount; and, round up to the nearest dollar. No adjustment shall ~~decrease~~increase the fee to an amount more ~~or less~~ than the amount necessary to recover the reasonable cost of providing the services for which the fee is imposed. If it is ~~determined that the reasonable amount necessary to recover the costs of providing the services exceeds this adjustment, the director may present fee proposals to the board of supervisors for approval.~~

SECTION 10. Section 16.22.035 is hereby added to read as follows:

16.22.035 **Moving permit — Definitions.**

A "single trip moving permit" means a moving permit issued by the commissioner pursuant to Chapter 16.22 for a single trip from one point of origin to a final destination taking place within three (3) consecutive days. An "annual trip moving permit" means a

moving permit issued by the commissioner pursuant to Chapter 16.22 which is valid for a period of one (1) year from the date of permit issuance.

SECTION 11. Section 16.22.090 is hereby added to read as follows:

16.22.090 **Moving permit — Issuance fees.**

Each applicant for a single trip moving permit or an annual trip moving permit shall pay to the commissioner the maximum amount shown on the latest fee schedule published by the State of California Department of Transportation.

SECTION 12. Section 16.24.020 is hereby amended to read as follows:

16.24.020 **Permit — Application and fee.**

Upon proper application on forms provided by the ~~director~~commissioner, which ~~may require any of the~~containing all information ~~described in~~that is required by Sections 16.08.010 and 16.08.020 of this ~~d~~Division 1, and following payment of all applicable fees required pursuant to this Division 1, the ~~director~~commissioner shall issue the applicant an annual news rack permit for each requested news rack or group of news racks as defined in Section 16.24.070 D that meets all of the requirements of this chapter. Notwithstanding any other provision of this Division 1, the ~~director~~commissioner may not refuse to issue a news rack permit properly applied for. Each application must be accompanied by a site map showing the width of the sidewalk and the location of each proposed news rack installation and any and all structures, encroachments or objects of any kind or character located within 25 feet of the

proposed installation including, but not limited to, traffic signals, street light poles, fire hydrants, bus benches, utility poles, telephones, building entrances, driveways and parking meters. Each application shall be accompanied by a nonrefundable permit application annual news rack permit fee of ~~\$52~~141.00 for each proposed news rack or ~~\$68~~186.00 for each proposed group of two news racks or ~~\$83~~226.00 for each proposed group of three news racks. ~~If the permit for the placement of a new news rack or new group of news racks is issued after the beginning of the calendar year, then the fee shall be reduced by \$1.00 per news rack for each month less than the full calendar year. The fee shall offset the costs of administration and inspection services incurred by the director of public works commissioner in connection with the review of the application and the costs of monitoring and enforcing the News Rack Ordinance. Each news rack or group of news racks proposed to be placed or maintained on or projecting onto any highway shall require a separate permit. On July 1st of each year, the each fee imposed by this section shall be reviewed by the commissioner and the amount of each fee shall be adjusted as follows: Calculate the percentage movement between April~~March of the previous year and ~~April~~March of the current year in the CPI for all urban consumers in the Los Angeles, ~~Anaheim and – Riverside – Orange County~~ areas, as published by the United States Government Bureau of Labor Statistics, adjust ~~the each~~ fee by said percentage amount; and round up to the nearest dollar. No adjustment shall ~~decrease the increase any~~ fee to an amount more ~~or less than~~ the amount necessary to recover the cost of providing the services for which the fee is imposed. ~~If it is determined that the reasonable amount necessary to recover the cost of providing the services exceeds~~

~~this adjustment, the director may present fee proposals to the board of supervisors for approval. No permit issuance fee shall be required for the issuance of a permit for a news rack or group of news racks.~~

SECTION 13. Section 16.24.040 is hereby amended to read as follows:

16.24.040 Permit — Expiration and renewal.

Each news rack permit shall expire at the end of the calendar year in which it was issued. The holder of multiple news rack permits may renew annually all news rack permits in one permit renewal application. A permit renewal application must be received by the ~~director~~commissioner a minimum of thirty (30) days before the expiration of the permit or permits, comply with all of the requirements of this chapter and be accompanied by a non-refundable permit renewal application fee of ~~\$37~~101.00 in addition to ~~\$15~~35.00 for each news rack permit to be renewed. On July 1st of each year, ~~the~~each fee imposed by this section shall be reviewed by the commissioner and the amount of each fee shall be adjusted as follows: Calculate the percentage movement between ~~April~~March of the previous year and ~~April~~March of the current year in the CPI for all urban consumers in the Los Angeles, ~~Anaheim and~~ — Riverside — Orange County areas, as published by the United States Government Bureau of Labor Statistics, adjust ~~the~~each fee by said percentage amount, and round up to the nearest dollar. No adjustment shall ~~or decrease~~increase ~~the~~any fee to an amount more ~~or less~~ than the amount necessary to recover the reasonable cost of providing the services for which the fee is imposed. ~~If it is determined that the reasonable amount necessary to~~

~~recover the cost of providing the services exceeds this adjustment, the director may present fee proposals to the board of supervisors for approval.~~

SECTION 14. Section 16.27.050 is hereby amended to read as follows:

16.27.050 Permit — Fee.

Each applicant for an annual outdoor sidewalk dining permit under this chapter shall pay a nonrefundable permit application fee of ~~\$398~~\$1,088.00 in addition to any fee imposed pursuant to Part 12 of Chapter 22.56 of the county code; ~~e~~Each holder of such a permit shall be required to submit a renewal application along with a nonrefundable fee of ~~\$126~~\$340.00 each year to obtain a new annual permit. ~~The~~On July 1st of each year, each fees imposed by this section shall be reviewed ~~annually~~ by the ~~director~~commissioner and, ~~on July 1, 1997, and thereafter on each succeeding July 1st,~~ the amount of ~~the~~each fees shall be adjusted as follows: Calculate the percentage of movement between ~~April~~March of the previous year and March of the current year in the CPI for all urban consumers in the Los Angeles, ~~Anaheim and~~ — Riverside — Orange County areas, as published by the United States Government Bureau of Labor Statistics, adjust each fee by said percentage amount, and round up to the nearest dollar. ~~Provided, however, that n~~No adjustment shall ~~decrease~~increase any fee and no fee shall ~~exceed~~to an amount more than the amount necessary to recover the reasonable cost of providing the services for which the fee is imposed. ~~If it is determined~~

that the reasonable amount necessary to recover the costs of providing the services exceeds this adjustment, the director may present fee proposals to the board of supervisors for approval.

[1608110FPCC]